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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 BBK Tobacco & Foods LLP,

10 Plaintiff,

11 v.

12 Skunk Incorporated, et al.,

13 Defendants.
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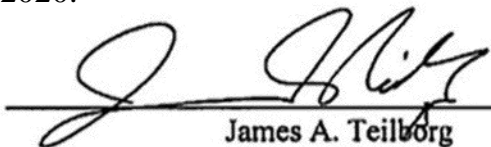
No. CV-18-02332-PHX-JAT

ORDER

15 Pursuant to Federal Rule of Civil Procedure 37(a) and for the reasons in this Court's
16 Order at Doc. 202,

17 **IT IS ORDERED** that Defendants' motion for attorney's fees (Doc. 219) is
18 granted. Defendants are awarded attorney's fees in the amount of \$3,537.50 against
19 Plaintiff's counsel.¹

20 Dated this 14th day of May, 2020.

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23 _____
James A. Teilborg
Senior United States District Judge

24 ¹ Neither party briefed whether this award should be against the attorney, the client, or
25 both. Federal Rule of Civil Procedure 37(a)(5)(A) provides: "If the motion is granted-or if
26 the disclosure or requested discovery is provided after the motion was filed-the court must,
27 after giving an opportunity to be heard, require the party or deponent whose conduct
28 necessitated the motion, the party or attorney advising the conduct, or both to pay the
movant's reasonable expenses incurred in making the motion, including attorney's fees."
Estate of Byrd v. Teater, No. CVF06900 OWW/GSA, 2008 WL 2876396, at *2 (E.D. Cal.
July 24, 2008) quoting Fed. R. Civ. P. 37(a)(5)(A). Here, the Court granted a motion to
compel under Rule 37(a) and based on the record finds that fees should be assessed against
counsel, not the client.